



Paper No. 5

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A/C PATENTS**

In re Application of
Rossmann, et al.
Application No. 09/769,632
Filed: January 24, 2001
Attorney Docket No. 3399P043

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: DECISION ON PETITION
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This is a decision on the Petition Under 37 CFR 1.53(e), filed May 8, 2001, to accord the above-identified application a filing date of January 24, 2001.

Application papers in the above-identified application were filed on January 24, 2001. However, on March 8, 2001, the Initial Patent Examination Division mailed a "Notice of Incomplete Nonprovisional Application," notifying applicant that the application papers had not been accorded a filing date because the application was deposited without drawings¹.

Petitioner asserts that the application was in fact filed with drawings, and that no further deposit of drawings is necessary to be entitled to a filing date. In support thereof, petitioner submitted a postcard receipt identifying this application, itemizing "7 sheets of drawings" as enclosed, bearing a United States Patent and Trademark Office date-stamp of January 24, 2001, and lacking any notation of non-receipt of any item listed.

A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office. See MPEP 503.

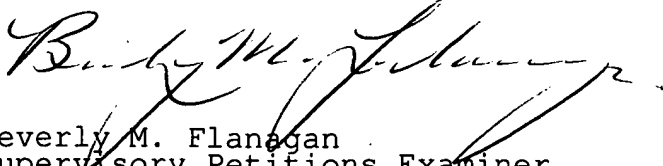
In view thereof, the petition is **GRANTED**.

Given the basis for granting the petition, the petition fee has been refunded to counsel's Deposit Account, as requested.

The application is being forwarded to the Office of Initial Patent Examination (OIPE) for further processing with a filing date of January 24, 2001, using the application papers received in the Office on that date and 7 sheets of drawings resupplied on petition filed May 8, 2001. Applicant will receive appropriate notifications regarding the fees owed, if any, and other information in due course from OIPE.

¹ See 35 U.S.C. 111(a)(4).

Telephone inquiries related to this decision should be directed to Petitions Attorney Cliff Congo at 703-305-0272.

A handwritten signature in cursive script, appearing to read "Beverly M. Flanagan".

Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy